



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MAR 12 2020

Samuel B. Boxerman
Sidley Austin LLP
1501 K Street, N.W.
Washington, DC 20005

Re: Freedom of Information Act Request (EPA-HQ-2020-003324)

Dear Mr. Boxerman:

This transmittal is in response to your FOIA Request EPA-HQ-2020-003324, submitted February 27, 2020. You requested a copy of "each Report submitted [since 2017] under the following Consent Decrees: (1) US and LDEQ and KDHE v. Columbian Chemicals Co., Civ Act No. 17-1661 (WD La.); (2) US and LDEQ and State of Texas v. Sid Richardson Carbon, Ltd. Civ. Act No. 3:17-cv-01792 (MD La.); (3) US and LDEQ v. Cabot Corporation, Civ. Act. No. 6:13-cv-03095 (WD La.); and (4) US and LDEQ v. Orion Engineered Carbons LLC, Civ. Act No 17-CV-1660 (WD La.)," not to include material that a party may have designated as CBI. By email of March 5, 2020, you agreed to narrow the scope of this request to "reports submitted or related to activities during 2019."

The Agency has completed its response to your request. Your request is partially granted and partially denied.

The Agency is producing 22 documents in their entirety. The Agency is not producing four documents which would be responsive to your request, but for the qualifier "not to include material that a party may have designated as CBI." If these four documents are responsive to your request, they are withheld in full, pursuant to 5 U.S.C. § 552(b)(4), as the documents contain a claim of confidential business information.

The documents not being produced include (1) design specifications for Orion Engineered Carbons LLC's Ivanhoe plant, (2) two semi-annual reports for the second half of 2019 for Orion Engineered Carbons LLC's Ivanhoe, Orange, Borger, and Belpre plants, (3) one semi-annual report for the second half of 2019 for Columbian Chemicals Co.

Fees

The Agency's processing fees are described at 40 C.F.R. §2.107. Response to this request involved 0.25 hours of professional search time and 0.25 hours of professional review time. At the rate of \$7 per quarter hour for professional personnel search and review of records, this request incurred \$14 in fees.

CBI Determination Process

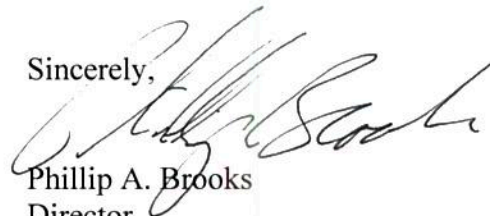
As noted above, the Agency has determined that some information responsive to your request may contain trade secrets or commercial or financial information which is exempt from disclosure under 5 U.S.C. § 552(b)(4). Pursuant to 40 C.F.R. § 2.204(d)(1), your request is initially denied with respect to these portions of records, and the EPA must undergo a confidential business determination to determine whether or not the initially withheld information may be disclosed. If you are interested in the EPA pursuing this confidential business information determination, please request a determination within 90 calendar days from the date of this letter. The EPA will consult with the third parties in connection with their business confidentiality claims and then issue a final determination. You may request a determination through any of the channels described below for communicating an appeal, or you may do so in the same communication as an appeal.

Appeal Information

This information is being made available to you under the provisions of the Freedom of Information Act, 5 U.S.C. 552, as amended, and Agency regulation, 40 CFR Part 2, as amended. This letter concludes our response to your request. If you would like to pursue a confidentiality determination for information initially withheld under 5 U.S.C. § 552(b)(4), or any other issue, you may appeal this response by email at hq.foia@epa.gov, or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

If you have any questions regarding this response, please contact Kellie Ortega at (202) 564-5529.

Sincerely,



Phillip A. Brooks
Director
Air Enforcement Division